

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

DR. LORA FREIER-HECKER, ) Case No. 1:20-cv-00367  
Plaintiff, ) JUDGE DONALD C. NUGENT  
)  
) **STIPULATIONS OF**  
) **UNCONTESTED FACTS FOR**  
) **TRIAL**  
DENIS R. McDONOUGH , et al., )  
\_\_\_\_\_  
Defendants. )

1. The plaintiff in this case is Dr. Lora Freier-Heckler, a female employee of the Defendant, the Department of Veterans Affairs (“VA”).
2. The defendants are Denis R. McDonough, the Secretary of the Department of Veterans Affairs, and the Cleveland VA Medical Center.
3. The VA maintains a medical facility in Cleveland, Ohio, the Veterans Affairs Medical Center (“VAMC”), that employs over 5,000 people.
4. The plaintiff, Dr. Lora Freier-Heckler, was hired by the VAMC in August 1990.
5. Dr. Freier-Heckler holds a Bachelor of Arts degree with a minor in management, an MBA, and a D.H.A. in Health Administration with a specialty in Health Care Leadership.
6. Dr. Freier-Heckler started her work at the VAMC as a clerk and secretary at a GS-3 Level in August 1990.
7. In October 2001, she was promoted to Program Support Assistant.

8. In May 2008, the plaintiff was promoted to Institutional Review Program Analyst.
9. In December 2009, she was promoted to a Research Compliance Auditor Program Analyst.
10. In June 2010, she was promoted to a Health System Specialist and Controlled Substance Coordinator.
11. In October 2014, the plaintiff was originally detailed to be the Acting Assistant Chief, then Acting Chief, Environment Management Service (“EMS”).
12. On November 15, 2014, Dr. Freier-Heckler was recommended by a VA panel comprised of Kimberly Robertson, the Director of Community Based Outpatient Clinics, Chief, Fiscal Service Michael Pappas and Philip Rutledge, Chief, Logistics Service over other candidates. Philip Rutledge made the final decision to hire Freier-Heckler over male candidates.
13. The Chief of the Logistics Service, Philip Rutledge, started his employment with the VA in 2010.
14. The Logistic Service at the VA consists of more than 100 employees in nine different sections including transportation, warehouse, and materials management.
15. The position of Assistant Chief in the Logistics Service was at a GS-13 Level.
16. Dr. Freier-Heckler remained Acting Chief of Environmental Management Service from October 2014 through April 2015.
17. Robert Conkey, worked in the Logistics Service from 2009 to 2018. His last position held was Management and Program Analyst.
18. On a continuing basis Dr. Freier-Heckler submitted to human resources and to directors at VA complaints about Rutledge in the form of emails.
19. Since being moved to the management suite, Ms. Frier-Heckler sent many emails to Mr. Franks, VA’s Chief of Human Resources, in addition to several scheduled meetings with him and some “off-calendar” meetings.
20. In April 2017, Dr. Freier-Heckler filed her first formal charge of gender discrimination against Mr. Rutledge.

21. On or about April 2017, Mr. Rutledge became aware of the formal filing of gender discrimination by Dr. Freier-Heckler.
22. By that time Dr. Freier-Heckler had sent to Deputy Director Pacyna many emails and had series of “off-calendar” about Mr. Rutledge.
23. In January 2017, a meeting took place between Dr. Freier-Heckler and Deputy Director Andy Pacyna concerning her removal from access to Rutledge’s personal Outlook calendar.
24. On January 5, 2017, Dr. Freier-Heckler wrote VA’s HR Chief that “it is with a heavy heart” that she sought to be reassigned because “my work environment is hostile.”
25. VA Director Susan Fuehrer and Dr. Freier-Heckler met concerning the complaints.
26. On April 19, 2017, Dr. Freier-Heckler filed the first of a series of Title VII charges internally.
27. Dr. Freier-Heckler was assigned by the VA Associate Director to handle an audit of the Transportation section.
28. It was proposed that the Transportation Supervisor Chevz Seals be demoted from a GS-12 to a GS-6. He was ultimately demoted to a G-9.
29. Freier-Heckler was paid for all FMLA leave she took while working for the VA.

/s/ Avery Friedman

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### **CERTIFICATE OF SERVICE**

I, Avery S. Friedman, attorney for the Plaintiff, certify that a copy of the foregoing STIPULATIONS OF UNCONTESTED FACTS FOR TRIAL was served on all counsel of record by electronic filing on this 28<sup>th</sup> day of February, 2022.

s/Avery Friedman

Avery Friedman